(13)

HD-1938

90 No. 4546

STOCK FILE
ON
PRISONERS - MAINTENANCE CHARGES

Date -18-09-1938

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GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 4546 dated 18th September 1938.

JAILS- Prisoners of other provinces confined in jails in Madras Presidency- Maintenance charges- Preferment of claims- Date refixed-

Read the following:-

From the Inspector General of Prisons, No. 986/A2/37 dated 9-8-1938.

ORDER:

The Government direct that all claims against other Governments in respect of maintenance charges of prisoners should, in future, he made by the 15th February of the year following that to which the claim relates. G.O.No.1033 Law (General) dated 6-4-34 is hereby cancelled.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

H.R.UZIELLI

SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Letter No.Ms.6217 dated 2nd December 1939 from the Home Dept ,Madras addressed to the Secretary to the Government of Bengal, Home Department.

Sir,

P.R./T- Prisoners, Abdul Karim- Irregular transfer from the Dinajore Jail in Bengal to the Central Jail, Rajahmundry- Re-transfer to Bengal-

The P.R./T Prisoner mentioned above was transferred from the Dinajpore jail, Bengal to the Central Jail, Rajahmundry under the mistaken impression that he was a native of this Province. It will be observed from the letter from the Inspector General of Prisons, Madras No.14/S5/39 dated 7th August 1939 (copy enclosed) that the prisoner's country address was not verified by the authorities in Bengal before he was transferred to a jail in this Presidency. This Government directed their Inspector General of Prisons to retransfer the prisoner to the Dinajpore jail.

2. The charges incurred in connection with the prisoner's stay in the Central Jail, Rajahmundry and his retransfer to Bengal amount to Rs.82-14-0 or roundly Rs.83/- as detailed below:-

(a) Maintenance charges for the period from 27th June 1939 to 17th August 1939 after deducting cash earnings.	Rs.18-11- 0
(b) Subsistence allowance paid to the prisoner on his retransfer to Bengal.	1- 2- 0
(c) Railway fare from Godavari Railway Station to Dinajpore by passenger 3rd class.- For prisoner:-	16- 5- 0
For the escort of two constables.	32-10- 0
Railway fare for the return journey of two constables from Berhampore to Godavari by passenger 3rd class.	11- 2- 0

NOTE: Through tickets were purchased at Godavari Railway station for Dinajpore for the prisoner and the two constables. The prisonner was handed over with the three tickets to the Orissa Police at Berhampore for the escorting the prioner to Dinajpore jail.

(d) Subsistence allowance to the two escorts constables.	3- 0-0
TOTAL-Rs.	82-14- 0

3. The reciprocal arrangement between the

Government of Bengal and this Government agreed to in Mr. Talukdar's letter No.1983-P.J. dated 24th May 1935 whereby no charges should be claimed for the maintenance of prisoners received by transfer under the police register system does not apply in this case as the prisoner is not a native of this province. I am to request that the amount may kindly be remitted to this Government as soon as may be convenient.

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From the Inspector General of Prisons, Madras, No. 14/S5/39 dated 7th August 1939.

TRANSFER OF PRISONERS- P.R.T.Prisoners- Convict No. 9043 Abdul Karim- Dinajpore jail, Bengal province-

I bring to the notice of the Government the unwarranted transfer of a prisoner named Abdul Karim from the Dinajpore jail to Bengal Province to the Central Jail, Rajahmundry. On the 19th June 1938, the intimation of transfer of the prisoner was received from the Inspector of Prisons, Bengal. As the native place of the prisoner had been noted in the Nominal roll received with the intimation of the transfer, as "Nayabasti, Kotowali, Madras" the Inspector General of Prisons, Bengal was informed on the very next day that there were no such places in Madras as those mentioned in the nominal roll and he was asked to furnish the correct address of the prisoner, before he was transferred to the Central Jail, Rajahmundry. A copy of this letter was also sent to the Superintendent of the Dinajpore jail direct. But the Superintendent of the Dinajpore jail replied in his letter dated 26th June 1939 that the prisoner was made P.R.T. Madras by the Deputy Commissioner of Police, Detective Department, Calcutta, that his address was noted as Nayabasti, Kotowali, Madras in his P.R.T. Slip and that he was transferred to the Central Jail, Rajahmundry on 24th June 1939, before the receipt of my letter referred to above.

2. The prisoner, on being asked at the Central Jail, Rajahmundry, stated that he is a native of "Lep-Goli, Kella Count Road, Pathar Bandar, Bombay". He also states that his wife is atpresent at Calcutta and that he wants to go to Madras on release for the purpose of securing employment and to avoid being troubled by the Police of Bombay and Calcutta.

3. The Deputy Commissioner of Police, Detective Depts Calcutta who was requested to report the correct address of the prisoner states in his letter No.2611-D.D.dated 31st July 1939 that the prisoner was homeless in Calcutta that his country address was not verified that the P.R.T. order in respect of this prisoner might be treated as

cancelled and that he might be released from any jail. The fact that the prisoner was homeless in Calcutta is no reason why he should be transferred to a jail in this Province. The Calcutta Police should have taken steps to verify the home address of the prisoner before issuing the P.R.T.Slip. As the prisoner already arrived at Rajahmundry the question of cancelling the P.R.T. order and releasing him from any jail would not solve the misdirection nor cover the expenditure involved. The procedure to be followed in this Province in the matter of issuing P.R.T. slips is laid down in para 569 of the Orders of the Madras Police. A similar provision may presumably exist in Bengal and if it does it is not known why it should not have been followed in the case of the prisoner under reference. Under these circumstances, the retransfer of the prisoner to the Dinajpore jail is perhaps, justifiable. But I, however, propose to release the prisoner from the Central Jail, Rajahmundry, provide him with railway warrant and send him under police surveilland to Bombay which is stated by him to be his native place. I do not think the Government will be in favour of the prisoner remaining in Madras after release.

4. This Government have been put to unnecessary expenditure by this irregular transfer. I request that this may be brought to the notice of the Government of Bengal, if necessary to avoid a recurrence.

5. The prisoner is due for release on 24th August 1939. His nominal roll is enclosed.

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FORM 52

FORM No.52-

NOMINAL ROLL OF MALE CONVICT No. A.4168.

Name:-	Abdul Karim.
Residence;(Village, Taluk and District.	Lep,Goli Kella Count Pathar Bandar. Bombay.
Caste:-	Mahamadan- Shaik.
Present age:-	30 years.
Occupation.	Cooly.
Section and Code under which imprisoned.	326- I.P.C.
Original sentence of orders and date.	5 years R.I.- 14-8-1935.
Adjudicating court and Calendar No. of case.	S.C.No.7/35- Sessions Judge, 24 Parganas.
Unexpired term of sentence, after deducting remission earned.	Y. M. D. 0 1 21
Present state of health and fitness to undertake a journey.	I. II.
Result of appeal (if any)	Confirmed.
Conduct in jail.	Good.

Remarks:- Remission earned upto end of preceding month:- 346 days.

"C" class ordinary casual- Received by transfer as P.R.T. Madras- Wheat diet- Education "C".

Rajahmundry Central Jail,
6--7--1939.

Sd/- x x x x x x x
Superintendent.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 654 dated 8th February 1940.

JAILS- Prisoners- Indian soldiers sentenced by courts-martial for military offences- Transfer to a jails in their own province- Recommendation of the Sixth All India Conference of Inspector General of Prisons- Accepted with modifications-

Read the following:-

From the I.G. of Prisons ROC.1785-B1-39 dt. 3-7-39 and 21-8-1939.
From the Govt of India, Home Dept No.46/2/39 dails dt. 15-11-1939.
From the I.G. of prisons Roc. 1785/S1/39 dated 9th January 1940.

ORDER:

Recorded.

2. The Government accept the recommendation of the sixth conference of Inspectors General of Prisons that pending the provision of detention barracks for the confinement of Indian soldiers sentenced by Courts-martial for military offences, such prisoners should be transferred to a jail in their own province, subject to the modification that such action will be confined to prisoners sentenced to terms of imprisonment of one year and above. The Inspector General is requested to address the Government whenever an Indian Military Prisoner with a sentence of one year and above is committed to a jail in this Province, so that the Provincial Government concerned may be addressed.

3. The Inspector General is requested to incorporate the orders in para 2 above in Volime III of the Madras Prison and Reformatory Manual.

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GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Memorandum No.23484-C-1 dated 31st August 1940.

PRISONERS CONVICTED UNDER THE NAVAL DISCIPLINE ACT AND INDIAN AIR FORCE ACT- Admission to jails like military prisoners-

The Inspector General of Prisons is informed that the presumption contained in para 2 of his letter No.2476/S2/4 dated 16th August 1940 is correct.

A.R.Macewen
Secretary to Government

ENCLOSURE.

Copy of letter from the Inspector General of Prisons, Madras, No.2476/S2/40 dt. 16th August 1940 to the Secretary to the Government of Madras, Home Department.

PRISONERS_ Convicted under Naval Discipline Act- No.5123 - G.Mole- Committed to the Penitentiary, Madras-

I have to report that one G.Mole was convicted under Naval Discipline Act by the Naival Officer-in-charge, Madras and committed to the Penitentiary for detention for 30 days. He was admitted in the Penitentiary on 12-8-1940.

2. It is presumed that persons committed by the officers of Royal Indian Navy and Royal Air Force are to be admitted as military prisoners.

Copy of the warrant and the Nominal roll of the prisoners are sent herewith.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Copy of letter No.Ms.2374 dated 16th May 1941.

JAILS- Maintenance charges of prisoners transferred under section 40 of the Prisoners Act, 1900- Recovery of- Reciprocal arrangement-

I am directed to invite a reference to the correspondence ending with your letter No. ** and to state that with the concurrence of all other Provincial Governments a reciprocal arrangement has been entered into, by which no charges will be claimed by this Government or other Governments forthe maintenance of prisoners - transferred under section 40 of the Prisoners' Act, 1900, either to give evidence or to answer charges. Instructions to this effect have been issued to the Inspector General of Prisoners and the Accountant General, Madras.

** 1.No.28878-HJ/1/8-dt. 9/10-9-1940.
2. 2305.H.J 21/23-9-1940.
3. Pri.496/5994GJ dt 25-9-1940.
4. 2863/VI-1288-1934 dt. 15-10-1940.
5. 504-361-III dt. 26-10-1940.
6. 9203/2-C dt 13-12-1940.
7. 5810-J1-40/51494 dt. 16-12-1940.
8. 1896-H/40(II) dt. 4-2-1941.
9. 7.J.R/J1.239/40 dt. 17-4-1941.

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GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 1084 dated 24th May 1943.

JAILS- Inter Provincial adjustments- Prisoners and inmates belonging to places outside this Province, confined in jails, Borstal schools etc., in this Province- Maintenance charges- Recovery of- Inspector General of Prisons authorised to correspond direct with certain officers-

ORDER:

With the concurrence of other provincial Governments the Hon'ble the Residents in Mysore and at Hyderabad, the Resident for Madras States and the Chief Commissioner, Coorg, the Government of Madras are hereby pleased to authori the Inspector General of Prisons and Chief Inspector of Certified Schools, Madras, to correspond direct with the officers shown in column (2) of the annexure, in regard to the recovery of the charges incurred by the Madras Jail department on the maintenance of prisoners and inmates belonging to the provinces or administrations or States shown in column (1) who are confined in jails, Borstal schools and Certified Schools in this Province. Similarly, the Madras Government have no objection to the officers mentioned in column (2) of the annexure corresponding direct with the Inspector General of Prisons and Chief Inspector of Certified Schools, Madras, regarding the recovery of the charges incurred on the maintenance of prisoners and inmates belonging to this Province who are confined in jails and borstal schools in the Provinces or States shown in column (1) of the annexure. This arrangement will be in force for the duration of the war.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

C.F.V.WILLIAMS
SECRETARY TO GOVERNMENT.

Annexure.

NAME OF THE PROVINCE OR THE ADMINISTRATION OR THE STATE.	DESIGNATION OF OFFICER.
Assam, ~~Bengal, Bihar, Bombay~~	Inspector General of Prisons, Assam.
x Bengal	" Bengal
Bihar	" Bihar
Bombay	" Bombay.
	(re: prisoners) and the Chief Inspector of Certified Schools, Bombay(re:Juveniles)
Central Provinces and Berar.	Inspector General of Prisons, C.P.and Berar(re:prisoners and borstal inmates) and Director of Industries, C.P & Berar (re: juveniles)

North West Frontier Province.	Inspector General of Prisons, N.W.F.P.
Orissa.	Director of Health and Inspector General of Prisons, Orissa.
Punjab	Inspector General of Prisons, Punjab
Sind	-do- Sind, Karachi
United Provinces.	-do- United Provinces
Cochin State	-do- Trichur
Coorg.	Chief Commissioner of Coorg.

Administrative areas in the State.
Administered areas in the State-

Hyderabad:-	Secretary to the Hon. the Resident at Hyderabad.
Mysore.	-do- in Mysore,
Pudukottai State	Superintendent of Police, Pudukotai
Travancore State	Supdtx of the Central Prison at Trivandrum.

Copy of Memorandum No. 9430-G1 dated 9th June 1943.

JAILS-Military prisoners-Transfer to jails in the Province of their origin.

In continuation of the memorandum No.14563/C-16 Home dated 8-2-1943, the Inspector General of Prisons is informed that the Government of India have laid down the following procedure in regard to the transfer of ex-military prisoners convicted by courts-martial held within India:-

(1)Ex-military prisoners convicted by courts-martial held within India, like those convicted by courts outside India, should be maintained in a jail in the Province of their origin and not in a jail in the Province where the court-martial happens to be held.

(2) Such prisoners should be committed to prisons in their own province at once after conviction by courts-martial and the matter should not be left to subsequent negotiations between the Provinces concerned.

(3) As military authorities are under present conditions unable to provide military escorts, the Provincial Government in whose jurisdiction the Court martial is held should provide for escorts from the place of conviction to the prison in the Province of origin to which the prisoner is committed. The cost of the escorts and of removing the prisoners from the place of conviction to the jail where the prisoners are to be confined will be borne by the Government of India.

(a) The cost of maintenance of the prisoners will be a charge on the Province to whose jail the prisoner is committed except in the following cases:---

(a) Cases were transfersfrom one jail to another are made at the express instance of the Central Government who will then meet the cost of such transfers;and

(b) exceptional cases where ex-military prisoners are not discharged or dismissed from His Majesty's forces on admission to the civil jail, in which case the cost of maintenance, transfer etc., will be borne by Defence Estimates.

2. The Government of India have asked that the name of a jail or jails specially selected for receiving ex-military prisoners committed to this Province may be communicated to them. It would, of course, be open to the Prov Govt to distribute the prisoners after their arrival in the jail or jails nominated, to other jails. The Inspector General of Prisons is requested to nominate a jail or jails to which ex-military prisoners committed to the Province may be sent. The reply to this reference should be sent so as to reach the Government not later than 20th June 1943.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 2995 dated 19th November 1943.

JAILS- Prisoners- Military prisoners convicted by courts martial held in India and outside India- Transfer from jails in this Province to jails in the Provinces of origin- Inspector General of Prisons authorised to arrange for the transfer in direct communication with inspector Generals of other Provinces-

ORDER:

The Government of Madras are hereby pleased, under section 29 of the Prisoners Act 1900 (III of 1900) to authorise the Inspector General of Prisons, Madras to arrange for the transfer of military prisoners sentenced by courts-martial whether held within India or outside it, from jails in this Province to jails in the Provinces or their origin, in direct communication with the Inspector General of Prisons of the Province concerned.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

C.F.V.WILLIAMS
SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 1075 dated 4th April 1944.

JAILS- Prisoners- Ex-military- Maintenance and transfer- Procedure- Memorandum from the Government of India- Communicated-

ORDER:

In continuation of Memo No.9430-C-1 dated 9th June 1943, a copy of the memorandum for the guidance of Provincial Governments in regard to maintenance etc., of ex-military prisoners issued by the Government of India is communicated to the Inspector General of Prisons and the Inspector General of Police.

The Inspector General of Prisons is requested to submit draft amendments to the Prison and Reformatory Manual with reference to para 11 of the memorandum.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

C.F.V.WILLIAMS
SECRETARY TO GOVERNMENT.

Memorandum for the Guidance of various provincial Government in regard to maintenance etc., of ex-military prisoners-

In consultation with the Provincial Governments it is recommended that the following procedure should be adopted in respect of ex-military prisoners who are at present confined in jails in different provinces or who are committed to Provincial jails, in future and are dismissed or discharged from His Majesty's Forces in consequence of their conviction.

PRISONERS CONVICTED BY COURTS MARTIAL HELD OUTSIDE INDIA:-

2) All ex-military prisoners who have been convicted outside India and are repatriated to this country for custody should be transferred to jaisl of the Province of their origin. The cost of their transfer from the port of landing in India to the Provincial jail will be borne by the Defence Estimates. The Province of origin of the prisoner should thereafter meet the maintenance and transfer charges of such prisoners. In cases where prisoners are not transferred to the Province of origin for security or other reasons, the cost of their maintenance should still be borne by the Provincial Government of their origin.

3) All ex-military prisoners who have already arrived in this country should similarly be transferred to a jail in their province of origin in direct communication with the Governments concerned. The transfer charges of these prisoners will be borne by the Defence Estimates but escorts should be provided by the transferring Provincial Government as indicated in para 6 below. The maintenance charges irrespective of the place where they are confined will be a charge on the Province of their origin with effect from the 1st March 1944.

PRISONERS CONVICTED BY COURTS-MARTIAL HELD IN INDIA

4) All ex-military prisoners who are convicted by

Courts martial in India should be committed to the jail of the Province of their origin. Escorts should be provincial Governments according to the procedure laid down in paragraph 6 below. If escort is not readily available, the prisoner should be committed to the nearest jail. The Provincial Government of that jail may then send prisoners to the jails where they should have been committed by the Courts martial. The maintenance charges of the prisoners for the period the prisoners remain in the custody of such Provincial Government should be met by the Province of origin with effect from the 1st March 1944. The transfer charges of such prisoners will, however, be borne by the Defence Estimates.

5) Ex-military prisoners who have already been committed to the jails other than those of the Province of their origin should be transferred to their Province of origin. Their transfer charges will be borne by the Defence Estimates. The maintenance charges of these prisoners, irrespective of the place where they are confined, will be a charge on their Province of origin with effect from the 1st March 1944.

ESCORTS:

6) The escort for the transfer of prisoners should be provided by the Provincial Governments according to the procedure laid down in the Police Manual.

COST OF TRANSFER ETC., OF PRISONERS:

7) The cost of the journey should initially be borne by the Provincial Government in whose jurisdiction the Prisoner is convicted by a Court-martial or in which Province the ex-military prisoner arrives first from outside India, and recovered later by raising a debit against the Defence Estimates under the old main head 7-A- Transportation of the Defence Services Estimates.

8) The Central Government will meet the cost of transfer of the prisoner if it is carried out at their instance.

9) The cost of maintenance, transfer etc., of the prisoners will be borne by the Defence Estimates in case they are not discharged or dismissed from His Majesty's forces on admission to the Civil Jail.

10) The cost of maintenance of undertrial military prisoners will be borne by the Defence Estimates.

CLASSIFICATION OF EX-MILITARY PRISONERS.

11) The following procedure should be adopted in classifying prisoners convicted by Courts-martial into A, B or C Class.

The Supdt of the Jail should bring to the notice of th Dist Magistrate the cases of all ex-military prisoners convicted by courts martial or Naval courts. The Dist Magst after making such enquiries as may be necessary, including, if necessary a reference to the local Brigade Area Commander, should make the initial recommendation for classification in Class A or B to the Provincial Government by whom the recommendations would be confirmed or reviewed. Prisoners not classified in class "A" or "B" will be treated as "C" class prisoners.

12) Jails to which the ex-military prisoners should be sent in the Province of the origin are enumerated in the enclosed list.

STATEMENT SHOWING THE NAME OF JAIL OR JAILS IN VARIOUS PROVINCES SPECIALLY SELECTED FOR RECEIVING EX-MILITARY PRISONERS

Name of Province.	Area or district to which prisoners belong.	Name of the jail to which prisoners are to be sent.
MADRAS	All districts.	Central Jail, Rajahmundry in the East Godavari Dist.
BOMBAY	Ahmedabad, Broach, & Surat, & Kaira Dts.	Central Prison, AHMEDABAD (Rly Station Sabarmati B.B.& C.I.Rly)
	Kolaba, Thana, Bombay, Bandra, Ahmednagar, East Khandesh, West Khandesh, Nasik, Poona, Satara and Sholapur Dts	Central Prison, YERAVADA (Rly. Station: POONA)
	Belgaum, Bijapur, Dharwar Kanara, & Ratnagiri Dts	Central Prison, BELGAUM (Rly. Station. Belgaum)
BENGAL	All districts.	Central Jail, ALIPORE.
U.P.	All districts	" Prison, AGRA
		" " BENARES
PUNJAB	Attock (Campbellpur) Rawalpindi, Mianwali, Jhelum, Gujrat, Shahpur, districts.	Central Jail, RAWALPINDI.
	Lyallpur, Jhang, Multan, Muzaffargarh, Dera Ghazi Khan & Montgomery districts.	District Jail, GHULAM
	All other districts.	Central Jail, LAHORE.
BIHAR	All districts	Central Jail, HAZARIBAGH
CP& BERAR	All districts	Central Jail, NAGPUR
ASSAM	Assam valley districts.	Dist Jail, GAUHATI
	Burma Valley & Hill dists.	Dist Jail, SYLHET
N.W.F.P.	All districts.	Haripur Central Jail, (Hazara dist)
ORISSA	All districts	DistJail, Cuttack
SIND	All districts	Central Prison, HYDERABAD
BALUCHISTAN	All districts	Central Jail, MACH
AJMER-MERWARA.	All districts	Central Jail, AJMER.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Copy of letter No. Ms.1076 dated 4th April 1944 addressed to the Secretary to the Government of India, Home Dept NEW DELHI

JAILS- Prisoners- Ex-Military- Maintenance in Civil jails- Date from which the maintenance charges will be a charge on the Province of origin-

Ref: Mr.Vishnu Sahay's letter No.46/2/39 Jails dated 23rd February 1944.

I am directed to state that this Government agree to 1st March 1944 being fixed as the date from which maintenance charges of ex-military prisoners will be a charge on the Province of origin. It is presumed that this date applies also to the debit of transfer charges to defence estimates.

Copy of letter from the Government of India, Home Dept No.46/2/39/Jails dated the 23rd February 1944.

In continuation of the Home Department letter No. 46/2/39-Jails dated the 14th May 1943, I am directed to forward a copy of a memorandum summarising the procedure regarding the maintenance and transfer of ex-military prisoners, which the Government of India recommend should be followed by Provincial Governments.

2. Paragraphs 3 and 5 of the Memorandum, which fix the 1st of March 1944 as the date from which the maintenance charges will be a charge on the Province of origin of the ex military prison, irrespective of the place where he is detained, may require some explanation. While the Government of India agree that a case could be made out for giving retrospective effect to the principle indicated in the Home Department letter referred to in para 1 in regard to the transfer of this class of prisoners, they are of the view that claims for re-imbursement of the cost of their maintenance incurred in the past may lead to complications in making petty adjustments. They suggest therefore, that unless the Provincial Government concerned make reciprocal arrangements and agree upon a particular date for future adjustment of claims for maintenance, such date may suitably be the 1st of March, 1944. The Government of India trust that this will be acceptable to the Provincial Governments and will be glad if this is confirmed.

3. A separate communication will be sent in regard to the maintenance of ex-military prisoners belonging to States.

XX XX XX

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Memorandum No.28356-C/43-8 dated 10th May 1944.

JAILS- Prisoners- Ex-military prisoners convicted by courts-Martial- Transfer to jails in the province of origin- Maintenance and transfer charges- Recovery -

Ref:- Inspector General's letters No.1800/A2/43 dt. 24-11-43 and 27-1-1944.

The attention of the Inspector General is invited to the memorandum of the Government of India communicated with G.O.No. 1075 Home dated 4th April 1944. He is informed that no action should be taken to recover escort and transfer charges of ex-military prisoners who were removed to jails in the Province of their origin before 1st March 1944 unless and until he receives further instructions to that effect. Charges incurred after that date should be recovered and the Inspector General may proceed accordingly.

2. The maintenance charges of ex-military prisoners belonging to other provinces incurred on or after 1st March 1944, are recoverable from the Governments of the Provinces of their origin. Claims need not be preferred against other provinces, if the total expenditure incurred is less than Rs.50/- a year. If however, any Province prefers claims against this Government for sums less than Rs.50/- similar claims, if any should be pressed against that Province. Charges which were incurred prior to 1st March 1944 should be ignored, irrespective of the duration of the period of stay.

J. R. BETT

SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
Home Department.

G.O.Ms.No. 2547 dated 25th August 1944.

JAILS- Prisoners- Ex-Military belonging to Indian States- Maintenance and transfer charges- Recovery of- Orders of the Government of India communicated-

Read the following:-

G.O.No. 1075 Home dated 4-4-44.
From the Govt of India, Home Dept No.46/2/44-Jails dated 9th August 1944.

ORDER:

The letter from the Government of India, Home Department read above is communicated to the Inspector General of Prisons and the Inspector General of Police in continuation of G.O.No. 1075 Home dated the 4th April 1944.

2. With reference to para 3 of the Government of India's letter, the Inspector General of Prisons is requested to furnish, not later than 15th September 1944, information as to -(1) the amount that should be claimed from the Central Government during the current year(a) on account of the maintenance and transfer charges of prisoners belonging to Indian States who served in His Majesty's forces and who were convicted by courts-martial held in India and come under the exceptions mentioned in para 2 of the letter, and (b) on account of the maintenance and transfer charges of those prisoners who were convicted overseas and admitted on disembarkation to jails of this Province; and

(2) the amount that should be provided by the Government of India in their next year's budget on account of items (a) and (b) above.

Similar information should be furnished in future years not later than 1st September of each year.

3. With reference to para 4 of the Government of India letter, the Inspector General of Prisons is informed that steps should now be taken for the removal of prisoners belonging to Indian States who were members of the Indian States Forces and who come under para 4 of the Indian Army order No.1452/41. He is requested to furnish the following particulars of each such prisoner, namely the State and Unit to which he belongs, his home address, the crime committed, the sentence passed on him and the period of sentence still to be served by him.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

J.R.BETT
SECRETARY TO GOVERNMENT.

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GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Memorandum No.28614.C/44-1 dated 15th September 1944.

JAILS- Ex-military prisoners- Not transferred to the province of Origin due to shortness of their sentences- Maintenance charges-

Ref: Letter from the Government of India Memo No. Letter No.46/2/39-Jails, Home Department dated 5th September 1944.

The continuation of memorandum No.9430-C-1 Home dated 9th June 1943, the Inspector General of Prisons is informed that the Government of India have directed that the maintenance charges in respect of ex-military prisoners who are not transferred to the province of their origin on account of shortness of their sentence or for any other reason, but are detained in a jail in the province in which they have been convicted by a court-martial, should be borne by the Government of the Province of their origin with effect from 1st March 1944 and that the travelling charges granted by the Provincial Government to such prisoners on their release to enable them to reach their home, should be debited to Defence Estimates.

J.R. BETT

SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
Home Department.

Endorsement No.33925-C/44-1 dated 4--11--1944.

PROCEDURE regarding the maintenance and transfer of ex-military prisoners-

Ref:- Letter from the Government of India, Home Department No.46/2/39-Jails dt 26th October 1944.

I am directed to refer to the Home Department letter No.46/2/39-Jails dated the 23rd February 1944 and to forward for information a copy of the India Army Order No.849/44 (without enclosure)

COPY OF THE INDIA ARMY ORDER NO.849/44.

I.A.O.849/44:- Prisoners convicted by courts martial in India-Committal to jails in province of origin:-

2. It has been arranged between the Government of India and Provincial Governments that all military prisoners, who are convicted by courts martial and sentenced to imprisonment and who are at the same time dismissed or discharged from H.M.Service in consequence of their conviction, will be committed to a specified jail in the Province of their origin. Prisoners will be sent to their Province of origin under Police escort.

Extracts from a memorandum on this subject for the guidance of Provincial Governments issued by the Government of India, (Home Department) under letter No.46/2/39-Jails, dated 23rd February 1944, are published as Annexure I to this order. This memo is hereafter referred to as the Home Department memorandum.

A statement showing the name of jail or jails in various provinces especially selected for receiving ex-military prisoners is published as annexure II to this order

2. In order to give effect to the above arrangements the following procedure will in future be adopted on confirmation of a sentence of imprisonment accompanied by dismissal or discharge, passed by a court martial held in India:-

(a) Prisoners will be committed by the Commanding officer, or other prescribed officer, to the appropriate jail in the Province of origin specified in Annexure II to this I.A.O. The H.D.Memorandum speaks of courts martial committing persons to jails, but in practice committal will be by the C.O. or other prescribed officer, as here stated.

(b) Prior to making any order of committal, the officer making the order of committal will inform the Superintendent of Police of the district in which the prisoner is in custody that he proposes to commit the prisoner to the appropriate jail in the Province of origin and request him to make the necessary arrangements for

the provision of an escort in accordance with paras, 4 & 6 of the Home Department memorandum.

(c) At the same time theofficer making the order of committal should mention that, if the necessary escort cannot readily be made available he will commit the prisoner to the nearest civil jail - vide paragraph of Home Department Memorandum.

(d) At least 4 clear days notice (excluding Sundays and holidays) should be given to the Superintendent of Police when an escort is required. If the escort is not available within a week the prisoner should normally be committed to the nearest civil jail.

(e) The officer making the order of the committal will endorse on the order the military authority to whom any appeal against the finding or sentence of the court-martial should be addressed. This authority will be the officer who confirmed the proceedings.

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HOME DEPARTMENT.

Endorsement No.33925-C/44-1 dated 4th November 1944.

Communicated to the Inspector General of Prisons for Inspector General of Police information in continuation of G.O.No.1075 and letter No. G.O.No.1075 Home dt.4-4-44 Ms. 1076 Home dt.4-4-44.

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GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 3408 dated 21st November 1944.

JAILS- Prisoners- Ex-Military- Maintenance and transfer - Procedure- Application to prisoners convicted under the Indian Air Force Act, 1932- Letter from the Government of India- Communicated-

Read the following :-

Letter from the Government of India, No.46/2/44 date 7th November 1944.

Sub:- MAINTENANCE OF PRISONERS CONVICTED BY COURTS-MARTIAL UNDER THE INDIAN AIR FORCE ACT, 1932.

I am directed to refer to paragrapn 4 of the Home Department letter No. 46/2/39 Jails dated the 23rd April 1942 and to say that the instructions laid down in the Home department letters Nos. 46/2/39-Jails and 46/2/44-Jails dated the 23rd February and 9th August 1944, respectively, apply also to prisoners convicted under the Indian Air Force Act, 1932. The cost of transfer of these prisoners to the province of their origin is debitable to old Main Head 10 of the Defence Services Estimates.

ORDER:

Communicated to the Inspector General of Prisons and the Inspector of Police in continuation of G.Os.Ms.No. 1075 Home dt. 4-4-44 and 2547 Home dt. 25-6-44.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

J.R.BETT
SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 2782 dated 20th July 1948.

JAILS- Prisoners- Maintenance and transfer of Prisoners belonging to provinces in Pakistan- Expenditure- Instructions of the Government of India- Recorded-

Read the following:-

From the Government of India, Ministry of Home Affairs No.34/12/48-Police- D$ 7th July 1948.

ORDER:

I am directed to say that with the creation of the Dominions of India and Pakistan, prisoners convicted in Provinces of one Dominion cannot be transferred by the Provincial Governments concerned to Jails in Provinces of the other Dominion under the provisions of the Prisoners Act, 1900 as previously. The procedure laid down in the late/ Government of India Home Department letter No. 42/2/39-Jails dated the 23rd February 1944 whereby ex-military prisoners were transferred to the Provinces of origin under the provisions of the Prisoners Act, 1900 and the liability for their maintenance was considered to be the responsibility of the Province of origin, cannot now be deemed to extend to the Provinces in the Dominion of Pakistan. The Government of India are therefore of the view that the Provincial Governments in India are not liable for expenditure on any category of prisoners in Pakistan territory or vice- versa.

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ORDER:

R e c o r d e d.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

P.M.NAYAK
DEPUTY SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 4948 dated 12th December 1949.

JAILS- Prisoners- Ex-Military and other prisoners convicted by Civil courts or criminal jurisdiction outside their province of origin- Cost of maintenance to be borne by the Province of origin and cost of transfer by the transferring province- Reciprocal arrangements agreed to by the Governments of Madras, Bombay/East Punjab, Bihar and Assam- Government of India's letter - - Communicated to the Inspector General of Prisones.

Read the following:-

Letter No.32/7/48 Police-I dated 31st October 1949 from the Government of India, Ministry of Home Affairs.

SUB:- Maintenance of prisoners(ex-Military and others)convicted by civil courts of crimin jurisdiction in their provinces of origin.

With reference to the correspondence resting with this Ministry's circular letter No.32/7/48-Police dated 17th February 1949, and your reply thereto, I am directed to say that the Governments of Madras, Bombay, East Punjab, Bihar and Assam have agreed to the proposal of the Government of West Bengal that prisoners, whether ex-military or others, convicted by civil courts of criminal jurisdiction should be transferred to the province of their origin on the condition that the transferring province would bear the cost of transfer and the province of origin the cost of maintenance. The remaining provinces, viz., the United Provinces, Central Provinces and Berar and Orissa, have not, however, accepted the proposal. In the schemes of unanimity on the subject, it is not possible for the Government of India to lay down any general principle of all India applicability. They would, however, suggest that at least these provinces who have accepted the proposal should make arrangements among themselves for the transfer of prisoners on a reciprocal basis on the terms proposed by the Government of West Bengal. In the case of displaced persons who originally belonged to a province in Pakistan and who are now settled elsewhere, the Government of India are of the view that the Province of their adoption should be treated as the province of their origin.

2. As regards the dissentients, viz., the Governments of the United Provinces, Central Provinces and Orissa, a further a reach is being made to them with the request that they may reconsider the position. A copy of the letter which is being addressed to them is enclosed for information. A further communication will follow as soon as replies to this letter have been recei

p.t.o.

Copy of letter No.32/7/48-Police-I dated 31-10-1949 from the Government of India, Ministry of Home Affairs dated 31st October 1949-

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MAINTENANCE OF PRISONERS(ex-military and others) convicted by civil courts of criminal jurisdiction in their provinces of origin.

I am directed to refer to the correspondence resting with this Ministry's circular letter No.32/7/48-Police dated the 17th February 1949, and your reply theret and to enclose for information a copy of this Ministry's letter No.32/7/48-Police-I dated the 31st October 1949 on the subject mentioned above.

2. As will be observed, five Provincial Governments, via. the Governments of Madras, Bombay, East Punjab, Bihar and Assam who have accepted the proposal of the Government of Bengal, have been requested to arrange the transfer of prisoners on a reciprocal basis. The Governments who have expressed their inability to endorse the proposal are those of the United Provinces, Central Provinces ~~Central~~ and Berar and Orissa. The Government of Orissa have not given any specific reasons in opposing the proposal. The difficulties pointed out by the Governments of the United Provinces and the Central Provinces and Berar in accepting the proposal are financial in the main. The Government of the United Provinces further hold that in the case of persons who have been living in a Province other than their own for a number of years, there should be no difficulty in retaining them in the provinces where the offence has been committed, since they are accustomed by their long residence to the food, language, climate etc., of that province. They also consider that the province where prisoners serve their sentence do not derive any benefit out of their labours, as in terms of money such benefit represents only a fraction of the expenditure incurred on their maintenance. The Government of the Central Provinces and Berar are of the view that people from undeveloped provinces migrate after serving all connection with the province of origin to other provinces in search of means of living and that such undeveloped provinces would be at a disadvantage if they were to accept prisoners on the basis of the arrangements suggested by the Government of Bengal.

3. The Government of India thus observe that considerable stress has been laid on the financial implication of the proposal. The proposal to transfer prisoners to their home provinces was largely based on humanitarian grounds, as it was felt that prisoners who are convicted in places remote from their homes should be allowed to serve out their sentences in the provinces of their origin where the atmosphere is more congenial to them in point of food, climate, interviews and associations. While it may be true that in certain cases persons who migrated to other provinces in search of a living have more contracts with those provinces than with their own and have become accustomed to the food, language and mode of living of those provinces, this argument does not appear to the Government of India, as one of general application. For example, in West Bengal there are a number of persons from Bihar, United Provinces and Rajasthan who have been living there for years but whose habits and customs are still

non-Bengal, although many of them have acquired some knowledge of the local language. Similarly, a South Indian, who makes his living in the East Punjab, would feel much less at hoem there then in Madras if he has to live within the four walls of a prison. It is likely that prisoners serving their sentences in a prison in a "foreign" Province suffer considerably greater misery than would otherwise be the case, for the reasons that it is not possible to give them the food they are used to, they are treated by other prisoners as outsiders and may have to be excluded from reformatory measures like literary campaigns.

4. In view of those considerations the Government of India hope that the Provincial Government would see their way to reconsidering the matter and would agree to the arrangements accepted by six provinces.

O R D E R:

Communicated to the Inspector General of Prisons, in continuation of letter No.14510.C/49-4 Home dated 20th May 1949 for information and guidance.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

S.A. IYENGAR
DEPUTY SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 2094 dated 26th May 1951.

JAILS_ Prisoners- Ex-Military and other prisoners convicted by Civil courts of Criminal Jurisdiction- Transfer to State of Origin- Reciprocal arrangement between Part "A" States and Part B State or Part "C" states- Government of India's letters- Communicated to the Inspector General of Prisons.

Read the following:-

From the Government of India, No.32/7/48 Police-I dated 17-2-51 and 17-4-1951.

ORDER:

Communicated to the Inspector General of Prisons for information and guidance with reference to his letter No.Roc.925/S2/50 dated 28-6-1950.

2. With reference to his letter No.1374/S5/49dated 5th August 1949 the Inspector General is informed that prisoners of the class referred to by him may be transferred to a jail in the part "B" State concerned in accordance with the provisions of the Transfer of Prisoners Act 1950 and subject to the terms and conditions contained in the letters of the Government of India communicated in Para 1 above.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

V. HANUMANTA RAO
JOINT SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Endorsement No.73355.Pr.I/51-7 dated 12th July 1951.

JAILS- Prisoners- Ex-Military and other prisoners convicted by civil courts of Criminal Jursidiction- Transfer to State of Origin- Reciprocal arrangement with the State of Travancore- Cochin-

Ref:- From the Government of India, Ministry of Home Affairs, No.32/7/48 dated 23-6-1951.

Communicated to the Inspector General of Prisons, in continuation of G.O.Ms.No. 2094 Home dt 26-5-1951.

V. HANUMANTA RAO
JOINT SECRETARY TO GOVERNMENT.

Copy of Government of India, Ministry of Home Affairs, New Delhi No.32/7/48-Pol.I dated 23-6-1951.

MAINTENANCE OF ~~EX~~ PRISONERS(Ex-Military and others) convicted by Civil Courts of Criminal jurisdiction in their ~~exix~~ States of origin-

I am directed to refer to the correspondence resting with this Ministry's letter No.32/7/48-Police-I, dated the 17th April 1951, on the above subject and to say that the Government of Travancore- Cochin have on reconsideration, accepted the proposal that prisoners whether ex-military or others, convicted by civil courts of criminal jurisdiction, should be transferred to the states of their origin on the condition that the transferring State bears the cost of transfer and the State of origin the cost of maintenance. I am now to suggest that arrangements for the transfer of prisoners on a reciprocal basis may now be made with the State.

2. A copy of this letter is being endorsed to the Government of Travancore- Cochin.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Letter No.73355 Prisons I/50-9 dated 25th July 1951.

Copy of letter above addressed to the Secretary to the Government of Mysore, Law Department, Bangalore.

PRISONERS- Ex-Military and other prisoners convicted by Civil Courts of Criminal Jurisdiction- Transfer to States of origin-

Ref: Shri Rao's letter No.H.B.2920-41/PRIS dated 30-6-1951.

I am directed to state that the Government of Madras agree to enter into a reciprocal arrangement with the Government of Mysore in respect of transfer and maintenance of prisoners (ex-Military and others) convicted by civil courts of criminal jurisdiction, in their States of origin on condition hat the transferring State will bear the cost of transfer and provide necessary escort, and the State of origin the cost of maintenance it being understood that convicts sentenced to 3 months or less ~~than~~ will not be transferred.

Yours faithfully,

Sd/- V.Hanumanta Rao

JOINT SECRETARY TO GOVERNMENT.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Letter Ref.No. 152084-Pr.I/51-3 Dated 21st Sept 1951.

Copy of letter above addressed to the Chief Commissioner, Ajmer.

PRISONERS- Ex-Military and other prisoners convicted by Civil courts of Criminal jurisdiction- Transfer to States of origin-

Ref: Your Administration's letter No.13/1/48-Genl(iii) dated 11th August 1951.

I am directed to say that the Government of Madras agree to enter into a reciprocal arrangement with the State of Ajmer in respect of transfer and maintenance of prisoners (ex-military and others) convicted by Civil Courts of Criminal jurisdiction in their States of origin on condition that the transferring State will bear the cost of transfer and provide necessary escort and the State of origin the cost of maintenance it being understood that convicts sentenced to 3 months or less will not be transferred.

I am also to say that no prisoners belonging to the State of Ajmer are, at present, undergoing imprisonment in the jails of this State.

Yours faithfully,

V. Hanumanta Rao

Joint Secretary to Government.

Copy of letter No.32/7/48 Police-I dt. 4-10-51 from the Ministry of Home Affairs, New Delhi to the Chief Secretary to the Govt of Assam, Home Dept, Jails Branch.

Sub: MAINTENANCE OF PRISONERS(Ex-Military and others) convicted by civil courts of criminal jurisdiction in their States of origin-

With reference to the correspondence resting with your letter No.HJL.37/49/128 dated 21-9-1951 on the above subject , I am directed to say that the Government of India agree with the view of the State Government that prior approval of the State of origin is not necessary before transferring a prisoner to that State since such approval is implied in the acceptance of the scheme by that State. As a matter of normal practice therefore they see no objection to the Inspector General of Prisons of the transferring State writing to the Inspector General of the receiving State for the transfer of a prisoner. If the Inspector General of the receiving State considers it necessary in any case to take the orders of his Government he may be allowed to do so.

2. As regards the jail in the State of origin to which the prisoners should be transferred, the Government of India are of the view that there are, or may be practical difficulties in ear-marking a particular jail to which all transferred prisoners are to be received. The most convenient procedure, according to the Government of India, would therefore be to ascertain from the Inspector General of Prisons of the receiving State the jail to which the convicts should be sent and to comply with the advance received.

ENDORSEMENT NO.176078.Pr.I/51-2 dated 27-12-1951.

Communicated to the I.G. of Prisons, Madras for information and guidance.

He is informed that this Government agree with the views of the Government of India.

Government of Madras.

Copy of letter No.RJL.57/49/128 from the Government of Assam, Shillong d/ 31st Sept. 1951 to the Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.

Sub:- Maintenance of prisoners (ex.military and others) convicted by civil courts of criminal jurisdiction in their states of origin.

I am directed to refer to the correspondence resting with the Govt. of India, Ministry of Home Affairs letter No.32/7/48-Police I d/ 23.6.51 on the above subject and to say that the arrangement regarding the transfer of prisoners (ex.military and others) convicted by civil courts of criminal jurisdiction on a reciprocal basis does not include the procedure to be followed to effect transfer of such prisoners from one State to the other. It is, therefore, not clear if the transferring State should obtain the approval of the State of origin before transferring each prisoner to that State or transfer should be made by arrangement between the Inspector General of Prisons of the States concerned. Certain State Governments are of the opinion that prior approval for every transfer of the State of origin is necessary before the transfer is effected while certain States have effected transfer by arrangement between their Inspector General of Prisons.

2. The Govt. of Assam are of the view that such prior approval of the Govt. of the State of origin is not necessary. Such an approval is implied in the agreement. Prior notice, by way of information, of at least 15 days should however be given to the State of origin regarding every proposed transfer.

3. Another point which requires clarification is regarding the jail in the States of origin to which the prisoner should be transferred. It is not possible on the part of the transferring State to transfer prisoners to different jails in the State of origin according to the wishes of the receiving Govt. This Govt. would therefore suggest that the transfer in each case should be made to the jail situated in the capital of the State or to any other jail named by the State participating in the arrangement. The distribution of prisoners to different jails in the State of origin will be the responsibility of the Govt. of that State.

4. The above proposal is submitted for the consideration of the Govt. of India and if they agree that such procedure is necessary for the smooth working of the arrangement a uniform procedure for transfer of prisoner in consultation with the participating Governments may be laid down for guidance of the Govts. concerned.

/true copy/

Superintendent

Letter No.227647 Pr.I/51-3 dated 29--1--1952.

To

The Secretary to the Chief Commissioner of Coorg
MERCARA.

Sir,

JAILS- Prisoners- Ex-Military and other convicted by civil courts of criminal jurisdiction outside their States of origin- Transfer to States of origin

Ref: Your letter No.16795/R Dis.A2.379-50 dt. 11-12-51.

I am directed to say that the Government of Madras agree to enter into a reciprocal arrangement with the State of Coorg in respect of transfer and maintenance of prisoners (Ex-military and others) convicted by civil courts of criminal jurisdiction in their states of origin on condition that the transferring State will bear the cost of transfer and provide necessary escorts and the State of origin the cost of maintenance it being understood that convicts sentence to 3 months or less will not be transferred.

I am also to say that this Government agree to the proposals contained in para 2 of your letter cited subject to the following conditions:-

(i) The transferring State should bear the cost of transfer of the prisoners;

(ii) The state of origin should bear the cost of maintenance of the prisoners; and

(iii) The prisoners will be governed by the rules and regulations of this State.

Yours faithfully

Sd/- V.Hanumanta Rao

JOINT SECRETARY TO GOVERNMENT.

Copy of Government of India's letter No.32/7/48-Pol-I Ministry of Home Affairs, dated 3-5-1952 to all Part A-States(except U.P) All Part B states (except Jammu and Kashmir); All part C states(Except Bilaspur, Himachal Pradesh, Manipur and Tripura)

MAINTENANCE OF PRISONERS(EX-Military and others) Convicted by civil courts of criminal jurisdiction in their States of origin.

I am directed to refer to para 1 of this Ministry's letter No.32/7/48-Pol.I dated the 30th March 1950 (copy enclosed) on the above subject, and to say that the Government of Uttar Pradesh have since informed us that they have decided to give the scheme for the transfer of prisoners to their States of origin mentioned therein a further trial till March 31, 1953 after which they will re-examine the question with a view to arriving at a final decision in the matter. I am now to suggest that arrangements for the transfer of prisoners on a reciprocal basis may now be continued with the Government of Uttar Pradesh upto the 31st March 1953.

A copy of this letter ie being endorsed to the Government of Uttar Pradesh.

HOME DEPARTMENT.

Endorsement No.136212 Prs.I/51-9 dated 6th May 1952.

Communicated to the Inspector General of Prisons, Madras with ref to para 2 of his letter No.411/52/50 dated 24-7-1951.

V.Hanumanta Rao
Joint Secretary to Government.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 2668 dated 23rd July 1952.

JAILS- Prisoners- Ex-military prisoners belonging to former Indian States and convicted by courts- Martial overseas or in India- Transfer to jails in their States of origins- Government of India's letter - Communicated to the Inspector General of Prisons

Read the following:-

Letter from the Government of India, Ministry of Home Affairs, No.30/1/50-Pol.I dated 27-6-1952.

ORDER:

A copy of the letter cited from the Government of India, Ministry of Home Affairs on the subject mentioned above is communicated to the Inspector General of Prisons, Madras with reference to his letter No. 822/S2/50 dated 1-6-1950.

(BY ORDER OF THE GOVERNOR OF MADRAS)

V.HANUMANTA RAO
JOINT SECRETARY TO GOVERNMENT.

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Copy of letter No.30/1/50-Police-I dated 27th June 1952 from the Government of India, Ministry of Home Affairs to All Parts A states etc-

TRANSFER OF EX-MILITARY PRISONERS BELONGING TO THE FORMER INDIAN STATES AND CONVICTED BY COURTS-MARTIAL OVERSEAS OR IN INDIA TO THEIR STATES OF ORIGIN.

I am directed to say that, as you are already aware, before the inauguration of the Constitution and the adaptation of the Prisoners Act, 1900(III of 1900) with effect from the 26th January 1950 as provided in the Adaptation of Laws Order 1950, there was no legal provision for the transfer of prisoners from the Provinces to the former Indian States. Mainly for this reason, persons from the former Indian States and belonging to the regular Indian Army, who were convicted and sentenced to imprisonment by courts-martial overseas or in India, were made to serve the sentences imposed upon them in the jails in the Provinces nearest to their home States. Maintenance charges in respect of prisoners who were convicted overseas are borne by the Central Government from the civil estimates; and such charges in respect of prisoners who were convicted. Transfer charges in the case of both these kinds of prisoners are borne by the Central Government from the Defence Services Estimates. In view of the adaptation of the Prisoners Act, 1900 and subsequent enactment of the Transfer of Prisoners Act, 1950(XXIX of 1950), there is now no legal obstacle to the transfer of these prisoners being effected to their home States. The Government of India accordingly took

up with the former Indian States (now Part B and Part C states except Jammu and Kashmir the question of their transfer to their home States and enquiried of them whether they would be prepared to meet their maintenance charges in their jails on the condition that their transfer charges from the jails in which they are at present serving their sentences to the jails in their home States will be borne by the Central Government from the Defence Services Estimates. All part B-States (except Jammu and Kashmir) have no objection to the proposal and have expressed willingness to meet the maintenance charges of such prisoners transferred to their jails. As for Part C-States, while it is agreed in principle that prisoners belonging to them should be transferred to their home States; there are certain practical administrative difficulties in transferring them to the Part C-States of Bilaspur, Himachal, Pradesh, Mandpur and Kutch. It has, therefore, been decided that these States should be left out for the present and that prisoners belonging to them should continue to be lodged as at present in jails in the States nearest to their homes; and that the proposal should be accepted in the case of the remaining Part C States viz-. Tripura, Bhopal and Vindhya Pradesh. They would be glad if the States Government now make arrangements with all the Part-B states (except Jammu and Kashmir) and the Part C states of Tripura, Bhopal and Vindhya Pradesh for the transfer of such prisoners who belong to those States and who are lodged at present in your jails on the terms mentioned above viz., that the transfer charges will be borne by the Central Government from the Defence services estimates and the maintenance charges will be borne by the home States of the prisoners. As regards the date from which the maintenance charges should be borne by the States of Origin, the Government of India are of the opinion that it should be the date on which the prisoners are received in the jails in their home States. The claims for the reimbursement of the transfer charges of such prisoner should be forwarded DIRECT to the Ministry of Defence.

A copy of this letter is being endorsed to all Part B (Except Jammu and Kashmir) and Part C States for information and necessary action.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

Memorandum No.113523.Pr.I/52-3 dated 5--9--1952.

JAILS_ Prisoners-Ex-Military and others convicted by civil courts of criminal jurisdiction outside their States by origin- Government of India's letter- Communicated to the Inspector General of Prisons-

Ref: From the Government of India, Ministry Home Affairs, New Delhi No.30/1/52-Police-I dated 29-8-1952.

A copy of the letter cited is communicated to the Inspector General of Prisons, Madras for his information and future guidance.

2. He is informed that the case referred to in his letter No.248/S2/52 Vol.I dated 23-8-1952 should be disposed of in accordance with the instructions of the Government of India in their letter cited.

V. HANUMANTA RAO
JOINT SECRETARY TO GOVERNMENT.

Copy of letter No.30/1/52-Police-I from the Government of India Ministry of Home Affairs, New Delhi dt 29-8-1952 to the Secretary, Home Department, Madras.

JAILS- Prisoners- Ex-Military and other prisoners convicted by civil courts of criminal jursidiction outside their States- of origin- Transfer to their States of origin-

With ref: to your letter No.113523 Pr.I/52-1 Home dt. 5-7-52, on the above subject, I am directed to say that a prime object of transfer of a prisoner to his State of origin is the welfare of the prisoner himself by placing him in congenial surrounding the intention is to help to recover and develop a normal mentality so that, on release, it may be easier for him to settle down as a good citizen. The Government of India do not consider that this object can be achieved by forcing a prisoner into the jail near his home against his wishes. He may have his own reasons for being far off from home e.g. he may not want his relations t know that he is in jail for common felony and he may be hoping to get back later into his home surrounding without any 'Loss of face' or slur of having been a gaol-bird etc- As forced transfer in such cases will not work precisely against the desired object viz.,his welfare and ultimate rehabilitation. The Government of India are therefore of the view that due regard should be paid to the wishes of a prisoners before transferring him to his Home State unless there are adequate reasons against it for instance, his being out of mind or obstreperous or an aged parent requiring his transfer so that he may be able to see him during his last days etc.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

G.O.Ms.No. 3227 dated 5th September 1952.

PRISONERS- Transfer of Non-Muslim ex-military prisoners belonging to Pakistan and convicted by courts- Martial overseas or in India to their States of adoption- Government of India's letter - Communicated to the Inspector General of Prisons.

Read the following:-

From the Government of India, Ministry of Home Affairs, letter No.30/1/51-Police-I dated 11-2-52.

ORDER:

A copy of the letter cited is communicated to the Inspector General of Prisons Madras with ref to his letter No. 1221-S2-51 dated 19-10-1951. He is informed that the Government have agreed to the suggestion in para 3 of Government of India's letter cited.

2. The case of ex-military prisoner No; 2033 A.GHOSH referred to in letter No.288/S2/51 dt 18-1-1951 of the Inspector General of Prisons, should be disposed of in accordance with the Procedure laid down in the Government of India's letter cited.

(BY ORDER OF THE GOVERNOR OF MADRAS)

V.HANUMANTA RAO
JOINT SECRETARY TO GOVERNMENT

G.O.Ms.No. 782 dated 7th March 1953.

GOVERNMENT OF MADRAS
HOME DEPARTMENT.

JAILS- Prisoners and adolescents belonging to other States- Maintenance charges- Claims for 1952-53- Rates- Fixed-

Read the following:-

From the Inspector General of Prisons No.572/A2/52 dated 24-12-1952.

ORDER:

The Government approve the proposal of the Inspector General of Prisons to recover charges during the years 1952, 1953 and 1954 at the rates specified in the annexure to these proceedings, from other States in respect of the maintenance of their prisoners and adolescents confined in jails and Borstal Schools in this State.

(BY ORDER OF THE GOVERNOR OF MADRAS)

V.HANUMANTA RAO
JOINT SECRETARY TO GOVERNMENT.

ANNEXURE.

Class of prisoners	Amount to be recovered.
1.Prisoners in Central, Presidency or Spl.jails.	Rs.340/- per annum.
2. Adolescent prisoners in Borstal Schools.	Rs. 340/- per annum.

GOVERNMENT OF MADRAS
HOME DEPARTMENT

Copy of letter No. 33310.Pr.I/53-5 dated 28th June 1953. addressed to the Secretary to the Government of India, Ministry of Home Affairs, New Delhi.

PRISONERS- Transfer of ex-military prisoners belonging to the former Indian States and Convicted by court-martial overseas or in India to States of origin- Adjustment of maintenance charges-

Ref:- Shri C.P.S.Menon's letter No.30/1/50-P.1 dt.13-2-53,

I am directed to say that the Government of Madras agree with the suggestion of the Government of India in their letter cited.

Yours faithfully,

Sd/- J. SUBBUSWAMY
Deputy Secretary to Government.

Copy to the Inspector General of Prisons Madras with ref: to his letter No.638-S2/53 dt. 11-3-1953.

TRANSFER OF EX-Military prisoners belonging to the former Indian States and convicted by Courts-Martial overseas or in India, to their States of Origin-

I am directed to refer to the correspondence resting with this Ministry's letter/endorsement No. 30/1/50-Pol.I dated 27-6-1952, on the above subject and to say that, according to the opinion expressed therein by the Government of India, the maintenance charges of ex-military prisoners belonging to the former Indian States and convicted by Courts-Martial overseas or in Indiax and transferred to their States of origin are received in their jails. A state Government has raised the question whether the entire maintenanc charges of such prisoners from the date of their committal (in a State other than the State of origin) should not be borne by their States of origin just as similar maintenance charges of ex-military prisoners, belonging to the former provinces and convicte by courts-martial overseas or in India and transferred to their Provinces of origin, are borne by provinces of origin irrespective of their place of confinement according to the instructions laid down in the late Home Dept letter No.46/2/39 Jails dt 23-2-44(copy enclosed for read reference). The Government of India are of the view that giving retrospective effect to the liabiltiy of States of origin for the maintenance charges of prisoners would involve unnecessary complications in making petty adjustments. They, therefore, consider that it would be simplest to follow the procedure suggested in their letter of the 27th June 1952 referred to above, viz., that the maintenance charges should be borne

p.t.o.